

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Criminal Action No.
)
TERRY LEE RICH,)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 15, 2007. Defendant Terry Lee Rich appeared in person and with Assistant Federal Public Defender Travis Poindexter. The United States of America appeared by Assistant United States Attorney Dan Nelson.

I. BACKGROUND

On August 7, 2007, an indictment was returned charging defendant with one count of failing to register as a sex offender, in violation of 18 U.S.C. § 2250(a). A superseding indictment was filed on October 16, 2007, to add the allegation that defendant traveled in interstate commerce which was inadvertently omitted from the original indictment.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Nelson announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Brian Cutler, United States Marshals Service.

Mr. Poindexter announced that he will be the trial counsel for defendant Terry Lee Rich; Gina Slack, investigator, will assist.

III. OUTSTANDING MOTIONS

There is currently pending for ruling by the district judge a motion to dismiss, filed by defendant on September 25, 2007 (document number 20). A Report and Recommendation to grant the motion to dismiss was filed on October 31, 2007 (document number 30) and objections to the Report and Recommendation were filed on November 13, 2007 (document number 32).

IV. TRIAL WITNESSES

Mr. Nelson announced that the government intends to call four witnesses without stipulations or no witnesses with stipulations during the trial.

Mr. Poindexter announced that defendant Terry Lee Rich intends to call one witness during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Nelson announced that the government will offer approximately twenty exhibits in evidence during the trial.

Mr. Poindexter announced that defendant Terry Lee Rich will offer approximately five exhibits in evidence during the trial.

VI. DEFENSES

Mr. Poindexter announced that defendant Terry Lee Rich will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Poindexter stated this case may be for trial.

VIII. STIPULATIONS

Stipulations are likely as to underlying facts.

IX. TRIAL TIME

If a jury is waived and the case is submitted on stipulated facts, counsel were in agreement that this case will take thirty minutes to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed August 28, 2007, counsel for each party file and serve a **list of exhibits** he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **November 15, 2007**;

That counsel for each party file and serve requested jury **voir dire** examination questions by or before noon, **Monday, November 19, 2007**;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions** by or before noon, **Monday, November 19, 2007**. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on November 26, 2007. A hearing device is needed. The parties indicated that they may be willing to waive a jury and submit the case to the District Court on stipulated facts.

The parties ask for a trial setting on the second week of the docket.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
November 15, 2007

cc: The Honorable Howard Sachs
Mr. Dan Nelson
Mr. Travis Poindexter
Mr. Jeff Burkholder